

## **CENTRAL BUSINESS ARCHITECTURE ORDINANCE:**

### **THE DOWNTOWN HISTORIC DISTRICT STUDY COMMITTEE'S**

#### **FINAL STUDY REPORT--- JUNE 1999**

**Revised--- October 1999**

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Public Hearings:	November 30, 1998 and May 26, 1999
Preliminary Report Adopted:	April 28, 1999
Final Report Adopted:	June 8, 1999 by unanimous vote (7-0)
Final Report Revised:	October 7, 1999 to reflect ordinance adopted by the Northampton City Council

## Executive Summary and Recommendations

**City Council should pass a Central Business Architecture Ordinance covering the Central Business District.** The ordinance will help maintain the historic, architectural, and pedestrian-scale character of downtown without creating unnecessary regulatory burdens. By maintaining this character, the ordinance will help sustain the economic vitality and prosperity of Northampton and its property and business owners.

A Central Business Architecture Ordinance will help preserve and enhance significant historic and architectural features and ensure that new development blends with the existing character, historic resources, and pedestrian-scale. It will maintain and strengthen downtown's already vital neighborhoods.

1. Downtown Northampton is a model of how a city can evolve to meet changing economic and social conditions, while preserving historical and architectural heritage. Downtown is vibrant today, in part, because its architecturally and historically significant buildings form a visually striking pedestrian-scale streetscape.
2. This balance is delicate. The loss of each historic building or detail or the adding of an incompatible building or detail deprives the city's downtown of part of its assets: historic character and pedestrian scale. The losses of historic buildings also erode the value of downtown real estate.
3. Most public and private property owners have been sensitive to downtown's character and architectural heritage. They have preserved and enhanced many historic buildings, while adapting them to modern needs with care and respect. The city has, however, lost historic buildings and detail and some new buildings and details have damaged downtown's pedestrian-scale character and visual environment. Some avoidable losses will continue if the city takes no action.
4. The Central Business Architecture Ordinance should preserve historic and pedestrian-scale character of downtown, while not imposing undue regulatory burdens. The ordinance should focus on projects that could permanently damage the character of downtown, while exempting the majority of projects.
5. A Central Business Architecture Ordinance is a better fit for Northampton's Central Business District than a local historic district. To meet the unique needs of a Northampton's vibrant, pedestrian-scale commercial center, a local historic district is a less flexible, state-regulated tool.
6. To ensure preservation of historic and pedestrian-scale character and encourage high quality non-traditional design, applicants have a choice of:
  - A. Designing their project to meeting prescriptive (cookbook) standards with the assurance of receiving a permit; or
  - B. Designing their project to meeting more open-ended performance standards, allowing more discretion for both the applicant and the permit-granting authority.

## Introduction

On February 19, 1998, acting on an ordinance introduced by the three ward councilors representing downtown (Councilors Bardsley, Dwight and Tymoczko), City Council established a local historic district study committee "to determine if any part of downtown Northampton is appropriate for Historic District status under the provisions of Chapter 40C, Massachusetts General Law." City Council approved Mayor Mary Ford's appointments to serve on the study committee in May 1998.

MGL Chapter 40C authorizes municipalities to create local historic districts to:

1. Preserve and protect the distinctive characteristics of buildings and places significant in the history of the Commonwealth and its cities and towns; and...
2. Maintain and improve the settings of those buildings and places; and...
3. Encourage new designs compatible with existing buildings in the district.

Hundreds of local historic districts exist throughout the United States. South Carolina created the first district (1931). Massachusetts's first district was created in 1955. Northampton created its one local historic district, on Elm Street, in 1994.

The National and State Registers of Historic Places already list many properties in Northampton, including most of the downtown. These listings, however, only result in regulation of those few projects that involve federal or state permits or money. The majority of downtown historic buildings altered or demolished are not regulated.

Unlike the national and state historic districts, local historic districts create a set of standards and a process for local review to encourage developers not to destroy the integrity of historic buildings. Local governments can tailor these districts, and the standards they create, to meet local needs. Local governments create local historic districts. Local governments can modify, amend or repeal the same districts.

The study committee's work is consistent with the recommendations in the 1995 *Downtown Northampton: Today, Tomorrow, and the Future*, the city's comprehensive plan element for downtown Northampton (adopted by the Planning Board and endorsed by City Council). The plan recommends:

1. "Better identify downtown's historic and architecture character; and evaluate the appropriateness of a local historic district or other tools to preserve downtown's character;" and
2. "Consider a demolition delay ordinance for historic buildings that other city ordinances will not protect;" and
3. "Consider whether new structures and major renovations within the central business district and the 'gateways' into downtown that are not part of a historic district should be subject to design review . . . to preserve the character of downtown."

## **Northampton Historic and Architecture Preservation Initiatives**

Citizens and landowners have created and preserved much of Northampton's notable history and architecture. There have been, however, many inappropriate building demolitions and alterations, plus the construction of buildings that do not complement their neighbors. The Northampton Historical Commission, Historic Northampton, the civic associations of Bay State, Florence and Leeds, and Forbes and Lilly libraries, among others, have helped focused attention on the city's history, its architectural legacy, and the pain of seeing it lost.

The National and State Registers of Historic Places lists the Northampton Downtown Historic District (1976) and the Downtown Historic District Extension (1985). It also lists the Fort Hill Historic District (1989), the Northampton State Hospital Campus (1994), the Veterans Administration Medical Center, and seven individual buildings.

Over the last 20 years, City Council created four study committees to examine possible local historic districts, three of which considered downtown. The first study committee (1978) resulted in detailed inventory information, but no action was taken.

The second study committee (1991) proposed four local historic districts, including a Downtown Northampton District. City Council tabled this recommendation indefinitely and never discussed the merits of a downtown local historic district. Several Councilors said that the study committee had reached too far in proposing so many districts

The Elm Street Study Committee (1994), created at the urging of homeowners on Elm Street concerned about the integrity of their neighborhood, proposed an Elm Street Historic District. Elm Street residents generally supported this recommendation, including several who had opposed previous historic district proposals. City Council created the Elm Street Local Historic District (1994), the city's first, with boundaries extending to the western edge of downtown.

In 1994, the Planning Board sponsored a public workshop to brainstorm on maintaining a healthy downtown and 155 city residents, merchants, building owners and citizens participated. Participants broke into nine groups to identify strengths, weaknesses, opportunities, threats, and actions for downtown. Every group urged the city to help preserve downtown character and architecture and historical resources. With this support, the Northampton Historical Commission, Planning Board and City Councilor Michael Bardsley successfully sponsored an ordinance creating a Downtown Historic District Study Committee (1995). The study committee's resulting proposal for a downtown local historic district received a majority vote of City Council (5-3 with 1 abstention), but not the required two-thirds vote (1996).

In 1985, there was also an effort to create a downtown design review process. Although never adopted for private buildings, an ordinance was passed which calls for design review for publicly funded projects in the former Community Area Revitalization Districts (CARD).

## Study Process Outline and Methodology

For this study process, the study committee followed the steps required by ordinance and M.G.L. Chapter 40C. They considered:

1. What are the character defining features, including pedestrian-scale, historic and architecture features in the downtown?
2. What are the boundaries of downtown Northampton based on character defining features and on equity?
3. Is preservation of the historic and architecture resources and character of downtown Northampton critical to preserving the character of downtown?
4. Are regulations necessary to preserve these resources, and if so what regulatory format and tools should be used?

The Downtown Historic District Study Committee examined local historic districts, Architecture Ordinances and other options to preserve downtown's character. Local historic districts are authorized by MGL Chapter 40C and follow an established set of guidelines and administrative procedures. Architecture Ordinances (sometimes referred to as conservation districts) are authorized by the general police power or home-rule authority and provide the city with the opportunity to use more creative standards and administrative procedures than those required for a local historic district. Other options to preserve downtown's character examined by committee include advisory design review, demolition delay and zoning changes.

To understand the information needed to make its final report, the Study Committee:

1. Held a series of open public meetings with press coverage.
2. Collected past inventory information on historic buildings and properties.
3. Hired an outside consultant (with a grant from the Massachusetts Historic Commission) to draft a *Design Guidelines Manual, Downtown Northampton Central Business District* to illustrate good design practices for downtown Northampton.
4. Conducted two public hearing with notices mailed to landowners.
5. Presented the preliminary report, or invited to a public hearing: Housing Partnership, City Council, Historical Commission, Elm Street Historic District Commission, and the Greater Northampton Chamber of Commerce.

## **Study Committee Assessment and Considerations**

**1. Downtown Northampton is extremely rare in its combination of well-preserved historic architecture and vital economic activity.** The Central Business District is the heart of Northampton, and its commercial and institutional center. Its pedestrian-scale and the rich visual and historic environment created by its classic buildings are essential to Northampton's worth as an attractive destination, as a retail and office center, and as a treasured hometown. Private and public property owners sensitive to the downtown's character and architecture heritage, often local, have successfully adapted surviving structures to modern commerce with great creativity and respect. Their stewardship has preserved many historic and architecturally significant buildings while creating a lively and successful retail environment. New buildings and further renovations of existing buildings will be equally successful and augment the downtown economy, provided they are compatible with downtown's architecture fabric and maintain the pedestrian-friendly nature of its streets.

**2. The balance of commerce and preservation is delicate.** The loss of each historic building or irreplaceable architectural detail or addition of each non-compatible building harms the integrity of the visual, historic, and pedestrian-friendly fabric of Northampton, and therefore lessens the unique attractiveness on which the City depends. Each loss also decreases the value of investments in neighboring businesses and buildings. Even minor changes of certain types may cumulatively have a major effect on Northampton's viability.

3. Conversely, an attempt to 'freeze' Northampton's built environment with minutely detailed regulations may deter new investment and development. As evident in the public debate of the past four years, there are many local supporters for protection of Northampton's architecture heritage, including many members of the business community and property owners. Yet there has been strong opposition to a local historic district from some who are concerned that new regulations would deter downtown investment or increase rents. With a majority of its members involved in downtown business or development, the Committee was mindful of the need to protect not only the character but also the vitality of downtown by guiding development and renovation in a manner respectful of the needs of commercial activity. The current proposal endeavors to respond to specific concerns expressed by opponents of earlier efforts.

4. At present there is no guarantee that new development or future alterations of existing historic buildings will respect and enhance the downtown built environment. Although local building owners and businesspeople are aware of the value of historic and compatible buildings, avoidable losses are likely if the city takes no action. Consequently, Northampton's character, heritage, and economic vitality -- and the investments of downtown business owners and landowners -- are vulnerable to irreparable harm through the actions of any individual or entity which does not have the same commitment to our community. This likelihood is increased because of expected growth in outside investment and franchise business activity.

## Study Committee Recommendations—Central Business Architecture Ordinance

City Council should pass a Central Business Architecture Ordinance, which protects the historic, architecturally rich and pedestrian-scale nature of downtown without creating unnecessary regulatory burdens. The Ordinance is needed to help maintain the historic character and architectural quality of downtown, to enhance the economic vitality based on that character, to protect the investments of property and business owners. The ordinance will contribute to the prosperity of Northampton through its continued attractiveness as an historic and pedestrian-friendly community. The Ordinance should regulate an area **with the same boundaries as the Central Business District**:

The Study Committee recommends:

1. **Against** the creation of a downtown local historic district because it is not the best regulatory approach to downtown's historic, architecture, pedestrian and regulatory needs (see Other Options Considered below).
2. **For** the creation of a Central Business Architecture Ordinance covering the Central Business District, as defined at present or as expanded in the future. These boundaries:
  - A. Ensure that the area where zoning encourages a pedestrian focus will have the design and architecture standards essential for a high quality pedestrian area.
  - B. Enhance the financial value of all buildings within the district by ensuring that future neighboring development is compatible.
  - C. Provide clear and understandable boundaries.
  - D. Are equitable, as those being asked to meet architecture standards are in the zoning district which provides the most economic opportunity.
  - E. Preserve the integrity of buildings with shared character-defining features, as described in the 1999 *Design Guidelines Manual--Central Business District* attached hereto by reference.
  - F. Ensure that Main Street (of indisputable historical and architecture importance) and the surrounding Central Business area (itself containing many significant and attractive structures) together remain a coherent and viable whole, rather than a narrow historic veneer surrounded by incompatible and unattractive development.
  - G. Provides for replacement of existing incompatible structures or unused lots with buildings which will further enhance and improve the character of downtown, rather than with development which is equally or more inappropriate.
  - H. Mean that expansion of the proposed district with any future expansion of the Central Business District will bring the benefits of the proposed district to downtown's major entranceways and commercial or commercial/residential fringes, if and when these areas are given the economic advantages of Central Business District designation. The committee strongly recommends that if the CBD expands in the future the increased area will also be covered under the architectural ordinance.

3. Providing regulatory clarity and predictability for demolition and new context-based renovation or construction and alterations yet allowing flexible opportunities for innovative designs of high quality compatible with downtown. New buildings need not match older buildings in style or materials. They must, however, be designed and constructed with a respect for downtown's historic character. To ensure preservation of historic and pedestrian-scale character and encouraging high quality non-traditional design, applicants should be given a streamlined permit process and the choice of:
  - A. Designing their project to meeting prescriptive (cookbook) standards with the assurance of receiving a permit; or
  - B. Designing their project to meeting more open-ended performance standards, allowing more discretion for both the applicant and the permit-granting authority. These standards will require thoughtful architecture which complements but does not necessarily imitate the existing architecture fabric and which maintains the pedestrian scale of Northampton's downtown.
4. Appointing a committee to oversee the process with citizens who ensure a wide range of perspectives and an understanding of what keeps downtown vibrant.

At least one member each should be from the following:

  - One person nominated by the Greater Northampton Chamber of Commerce
  - One person in the building trades or construction industry
  - One Realtor
  - One Architect
  - One representative of the historic preservation community, nominated by Historic Northampton or the Northampton Historical Commission.

And there should also be two alternates.
5. The ordinance should focus on those projects which have the potential to permanently enhance or damage the character of downtown. It should exempt the majority of projects, and provide for expedited review and approval of broad categories of other projects. The vast majority of past downtown building permit applications cover activities which can safely be excluded from further regulation.
6. Certain projects which do not permanently or substantially damage historic and architecture resources should be exempt from review and be allowed as-of-right (no permit required). This includes:
  - interior work
  - alteration of first floor facades in theme commercial buildings and anomalies
  - work not visible from a public street
  - painting and staining of non-masonry surfaces and of previously painted masonry
  - maintenance
  - like-kind replacement of materials
  - landscaping
  - freestanding walls and fences
  - storm windows and doors



- window replacement with units of different materials but similar dimensions, horizontal division and configuration
  - wheelchair ramps
  - first floor signs, except those which would alter structural components of the building they are attached to (for example, columns have to be removed or damaged).
  - public art
7. Certain projects should have a fast-track permit process. The fast-track for these simple projects would avoid public notice and public hearing, and, in some cases, would allow a subcommittee or agent to grant permits. Fast-track would apply to:
    - restoration of historic features
    - alteration of first-floor facades, other than in exempted theme commercial buildings, in conformance with clear design standards
    - Other classes of projects or construction methods which the regulatory committee found, after a public hearing, are appropriate for fast-track authority.
    - Temporary structures for up to 30 days
  8. The public hearing process should be streamlined by allowing and encouraging joint public hearings with the Planning Board or Zoning Board of Appeals where their review is required by zoning
  9. To provide guidance before substantial investment in completed designs, there should be an opportunity for proponents to meet informally with the regulatory committee or its designee prior to formal hearings, to get technical assistance and the informal response to proposed projects. This advice, however, cannot be binding on the committee when they formally review an application.
  10. There should be no regulatory duty to maintain a building beyond that established in other codes and ordinances.
  11. There should be a local appeal to the Planning Board.
  12. Government projects, to the extent they can legally be regulated, should be covered by the ordinance.
  13. The Office of Planning and Development staff the Architectural Ordinance committee and that the committee meet the same night as the Planning Board and the Zoning Board of Appeals.
  14. The ordinance includes a five year sunset provision, with the ordinance expiring if City Council does not vote to retain. In addition, the Office of Planning and Development should prepare an annual summary of the effectiveness and costs of the ordinance.

## Legal Authority

A Central Business Architecture Ordinance is distinctly different from local historic districts and zoning laws. Cities are granted the power to enforce architecture districts by virtue of the "home-rule" or general ordinance authority— an authority not to be confused with specific powers, some of which result from "home-rule petitions", such as rent control, given to municipalities by the state Legislature.

The following is an analysis showing the legal basis for such regulations. This is based on the analysis used by the state Attorney General's office to determine if town's bylaws are valid (town bylaws must be approved by the Attorney General, but city ordinances do not have to be approved).

1. **There are no state laws which "cover the field" or functioning conflict with a local municipal Architecture Ordinance.**
2. **The ordinance is not, in effect, either zoning regulations or historic districts.** Zoning, M.G.L. Chapter 40A, does not address building materials. Historic districts, M.G.L. 40C, focuses on historic preservation more than pedestrian-scale design. (See discussion below on why local historic districts and zoning are not appropriate tools to address Northampton's needs.)
3. **Other communities also use home-rule alternatives to zoning and historic districts to serve the same purpose as is being proposed for Northampton.** The Cambridge Neighborhood Conservation Districts, adopted in 1981 under home-rule authority, fills a gap not addressed by zoning or historic districts. The Boston Architecture District fills a similar gap (legislative authority not researched for Boston).
4. **Although state statutes do not regulate Architecture Ordinances, they clearly envision such Ordinances.** M.G.L. Chapter 143, Section 3A. specifically mentions architecturally controlled districts ("in the event of a conflict between {State Building Codes} and {an} . . . ordinance regulating any . . . Architecturally controlled district, provisions of any such . . . ordinance . . . regulating exterior architecture features within such district shall prevail").

## Other options considered

### Local Historic District

The Committee recommends a Central Business Architecture Ordinance instead of a historic district, because a historic district would not give Northampton the latitude it needs to meet local concerns. Local historic districts are effective tools and work to preserve historic features, and thereby indirectly can preserve character and provide architecture control. They exist throughout the commonwealth, including on Elm Street

in Northampton. The drawback, however, is that the structure of local historic districts is rigid and cannot always be locally tailored.

An Architecture Ordinance (in some communities referred to as conservation districts), on the other hand, is a “home-rule” application of police power. There are no standards to limit how these can be tailored to meet local needs.

Northampton's goals cannot be addressed adequately through the use of a local historic district. For downtown Northampton, the goal is not simply to preserve historic features but also to preserve pedestrian-scale character and vitality. In some cases, for example, this means a higher degree of flexibility in considering requests for demolition of a transitional residential historical structure if its replacement is a high-quality and compatible theme commercial building.

In addition, it is desirable for Northampton, with its recent efforts on permit streamlining, to have the ability to create a more flexible and streamlined ordinance, including an appeal route to the Planning Board, than authorized for a local historic district.

#### Advisory Design Review Process

Design review can be used to review designs and make recommendations, with or without any other regulatory teeth. When projects also need discretionary permits (such as special permits), it can be an effective tool, but by itself it may create an administrative hurdle without any significant benefit. The committee did not feel that an advisory design review process would be worthwhile.

There is currently a Design Review Committee charged with reviewing any project funded with public money in approved Commercial Area Revitalization Districts (CARD) in downtown, Florence and on King Street. This committee has not met in a number of years and the CARD program no longer exists. The Study Committee recommends that if the proposed Ordinance is approved, design review should be repealed. In the past, Planning Board members suggested that all projects funded with public money should receive some type of historic, design or architecture review.

#### Demolition Delay Ordinance

The city can adopt a downtown or a city-wide ordinance requiring that developers wait six to twelve months before demolishing historic buildings. That waiting period allows interested parties a chance to see if the owner would sell the building. Demolition delay can be an effective tool, but is relatively weak. A Central Business Architecture Ordinance is a more powerful tool for preventing unnecessary demolition. If it is passed, a demolition delay ordinance will not be needed for the downtown. The committee made no recommendation adopting a citywide demolition delay ordinance, but several members felt this should be referred back to the Historic Commission for consideration.

## Amend the Northampton Zoning Ordinance

Recent amendments to amend zoning encourage reuse of historic buildings and help preserve bulk and density standards critical to downtown's character (for example, minimum heights and maximum setbacks). It is not possible, nor legal, to use zoning to preserve and encourage certain architecture features. The committee does recommend amending the Zoning Ordinance to allow applicants to request a joint public hearing before the Historic District Commission and the Planning Board or Zoning Board of Appeals, as appropriate, when a permit requiring a public hearing is required by both boards.

## **Appendix A: Proposed Central Business Architecture Ordinance**

### **SECTION 27-1. PURPOSE**

The purpose of this ordinance is to preserve and enhance the pedestrian-scale character, culture, economy and welfare of downtown Northampton by preserving historic and architecturally valuable buildings and features, and by encouraging compatible building design. Nothing in this Ordinance shall be construed as creating a new responsibility for landowners to maintain their buildings.

### **SECTION 27-2. CENTRAL BUSINESS ARCHITECTURE ORDINANCE BOUNDARIES**

A Central Business Architecture Ordinance is hereby established within the City of Northampton. The Ordinance shall regulate the Central Business District bounded as shown on an attached map entitled "Central Business Architectural Ordinance, City of Northampton," and made part of this ordinance. This ordinance creates an architecturally control district as envisioned by M.G.L. Chapter 143, Section 3A.

### **SECTION 27-3. CENTRAL BUSINESS ARCHITECTURE COMMITTEE MEMBERSHIP**

1. A Central Business Architecture Committee is established in the City of Northampton consisting of five members and two alternates. The Mayor shall appoint all members and alternates, subject to City Council approval. There are no limits on who may be appointed to be alternates. Members shall include at least one of each of the following:
  - A. One person from two nominations made by the Greater Northampton Chamber of Commerce
  - B. One person in the building trades or construction industry
  - C. One person from two nominations made by the association of Realtors covering Northampton
  - D. One Architect
  - E. One person from two nominations made by the Northampton Historical Commission.In the absence of two nominations being submitted by nominating organizations within 60 days of such a request, the Mayor is not limited in who he/she appoints to fill a given vacancy.
2. Initial terms shall be as follows: Two members and one alternate shall be appointed for a term to expire April 1 of the calendar year two years after their appointment. Two members shall be appointed to a term to expire April 1 of the calendar year three years after their appointment, and one member and one alternate shall be appointed for a term to expire April 1 of the calendar year four years after their appointment.

3. Successive appointments shall be made for a term of three years, expiring April 1 of the relevant year. If a member resigns or otherwise leaves office prior to the expiration of their term, the person appointed to fill the vacancy shall be appointed for the balance of the original term. Successive appointments shall be made in the same manner as the original appointment. All members shall serve until their successors are appointed and confirmed.
4. Members shall annually elect a chair and a vice-chair.
5. Three members or alternates shall constitute a quorum. The positive vote of three members or alternates is necessary to issue any permit. Alternates shall be offered the opportunity to serve on a rotating basis when a member is absent. When substituting for a member, they shall have all of the responsibilities and rights of a member.

#### **SECTION 27-4. DESIGN GUIDELINES MANUAL AND RULES AND REGULATIONS**

1. The *Design Guidelines Manual, Downtown Northampton Central Business District*, 1999, as may be amended, is attached hereto by reference. It shall be cited in this ordinance as the *Design Guidelines Manual*.
2. The Central Business Architecture Committee shall have the authority to appoint a subcommittee or agent to act on behalf of the full committee for any action which does not require a public hearing.
3. After a public hearing and only with four affirmative votes, the Central Business Architecture Committee shall have the authority to adopt reasonable rules, regulations, and forms and to revise the *Design Guidelines Manual* to aid in the administration of this ordinance, and to reclassify building types shown on the "Central Business District, City of Northampton" map attached to this ordinance.
4. Materials to be submitted for non-exempt projects shall be provided in sufficient detail to determine the projects impact and compliance individually and in context with the surrounding buildings, and with respect to the *Design Guidelines Manual*. The Committee may waive or clarify any of these requirements either as part of their rules and regulations or in their review of a specific project.

For all non-exempt projects, unless waived by the Committee, the following shall be provided:

- A. Photographs of existing conditions, showing both detail and context of area(s) to be altered. Photographs should include buildings to be demolished and vacant areas to be developed.
- B. Scale plans of proposed alterations, renovations, or new construction sufficient to show all aspects considered under this ordinance.

- C. Renderings, or photographic or computer simulations showing both detail and context of area to be altered sufficient to show all aspects considered under this ordinance. For new buildings and major alterations, this item shall be sufficient to see the entire building, its details, and context from relevant viewpoints.
- D. A list or full description of existing materials to be altered and of proposed materials.
- E. Detailed description of any financial hardship.

## **SECTION 27-5. EXEMPTIONS**

The Central Business Architecture Committee shall appoint a subcommittee or agent and authorize that subcommittee or agent to issue a **Certificate That a Project Is Exempt** under this section. Such certification is not required but is provided to provide an applicant documentation that a permit is not required.

To request a **Certificate That a Project Is Exempt** under this section, the applicant shall complete and file the appropriate application form with the Northampton Office of Planning and Development. Within fourteen (14) days the Committee's duly authorized subcommittee or agent shall issue such certificate if it finds that the application demonstrates that the project is exempt under this section. If the Committee fails to act within these time periods, an applicant may send a written notice requesting their Certificate. If the Committee still fails to act the Certificate shall be deemed to have been issued seven days after the Committee's receipt of said notice. A denial of this certificate may be appealed to the full Committee within twenty-one (21) days of its denial.

The following elements are specifically exempt from review by the Committee. The Building Commissioner shall issue permits for this work only after determining that the project is exempt:

1. Interior work, including features, arrangements or use of other non-exterior elements.
2. Exterior architecture features not visible from a public street, provided they would not be visible even in the absence of all freestanding walls and fences, signs, accessory structures, and landscaping, and the rear of any buildings if the rear facade does not abut a city street.
3. The ordinary maintenance, repair or replacement of any exterior architecture feature which does not involve any change of design or appearance.
4. Landscaping with plants, trees or shrubs.
5. Meeting any requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition.

6. Signs and awnings on the first floor facade of any theme commercial or anomaly buildings, except those which would alter the structural component of the building they are attached to (e.g. require removal of columns).
7. Open terraces, walks, driveways and similar structures, provided that such structure is substantially at grade level. Handicapped access ramps designed solely for the purpose of facilitating ingress or egress of a physically handicapped person, as defined in M.G.L. §13A of Chapter 22, provided that such ramps are not more than one foot above original grade.
8. Freestanding walls or fences that are not part of any other structure, when such walls or fences are allowed as-of-right by the Northampton Zoning Ordinance (no special permits or findings are required).
9. Storm doors and windows, screens, window air conditioners, roof-top solar panels, lighting fixtures, and antennae. Satellite dish antennae with a diameter of greater than one foot are not exempt.
10. Roof colors, paint and stain colors, and painting of unpainted masonry and all non-masonry structures.
11. The reconstruction, substantially similar in exterior design and appearance, of a building, structure or exterior architecture feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.
12. Freestanding outdoor art, provided such art is not also a sign, that does not alter any exterior feature protected by this ordinance in such a way that it cannot be readily repaired, and is not also an integral part of the exterior facade of a building.
13. Alteration of the first floor facade of any theme commercial or anomaly buildings, as defined in the *Design Guidelines Manual*, that was built with glass covering a significant part of the first floor facade or has glass covering a significant part of the first floor facade when a permit for the proposed alteration is applied for, when at least 50% of the altered first floor facade will be glass installed providing a view from the public right-of-way of the inside of at least part of the building.
14. Alteration of the first floor facade of any building other than exempted theme commercial buildings (see above), when the Committee finds that such alteration will be in conformance with *Design Guidelines Manual*.
15. Replacement of a window with a new window of the same general design and appearance but a change in materials when the Building Commissioner or the Committee finds that the new windows are identical in size to the old windows and do not alter sills, lintels or tops, do not incorporate mirrored glass, and when,



except for small decorative windows and first floor storefronts, windows have a traditionally appropriate horizontal division within the glass. (Snap-in grills are exempt, but do not meet the requirement for a horizontal division.)

16. **Restoration of features of the same general design and appearance as existed historically on a structure when the Building Commissioner or Committee finds that there is adequate evidence to believe that the restoration is historically accurate and the restoration will not damage other historic features nor alter the historic character of the building.**
17. **Temporary structures for up to 30 days.**
18. **Any other classes of projects or construction methods which the regulatory Committee has found, after a public hearing, are appropriate for exemption after Committee review.**

## **SECTION 27-6. CENTRAL BUSINESS ARCHITECTURE PERMIT PROCESS**

Except for activities exempted above, no building or structure within the Central Business Architecture District shall be constructed, altered, or demolished in any way without a **Central Business Architecture Permit** from the Central Business Architecture Committee issued in accordance with this ordinance. Nor, without such a permit shall such activities be issued a building permit or demolition permit. (See also MGL Chapter 143, Section 3A.)

To apply for a permit, the applicant shall complete and file the Committee's application form and file required submittal materials with the Northampton Office of Planning and Development.

To provide consistency, even though a Central Business Architecture Ordinance is distinct from zoning ordinances, the committee shall use the same public notice and time line requirements for permit applications as is required under the state Zoning Act (M.G.L. Chapter 40A) for Special Permits. If the Committee fails to act within these time periods, an applicant may send a written notice requesting their permit. If the Committee still fails to act the permit shall be deemed to have been issued seven days after the Committee's receipt of said notice.

The Committee shall hold a joint public hearing with the Planning Board or Zoning Board of Appeals, as appropriate, for any project that also requires zoning relief from those boards, if the applicant provides a written request for a joint hearing with the application to both boards, and if the applicant grants waivers from statutory time limits, if necessary, to allow a joint hearing.

The Committee shall follow the following process in reviewing an application:

1. If the Committee finds that a project is exempt, it shall issue a **Certificate That a Project is Exempt**.
2. If the Committee finds that a project is compatible with the preservation of historic, architecture and pedestrian-scale character, under the terms of this ordinance, it shall issue an **Central Business Architecture Permit**. The Committee shall not review elements of the project which are exempt under Section 27-5, but shall determine that projects respect the details and the character of Central Business by considering the following:
  - A. Any element of the project or the project in its entirety shall be presumed to meet the standards necessary for approval if the Committee finds that it meets Applicability and Design Guidelines sections in the *Design Guidelines Manual*; and,
  - B. Any element of the project or the project in its entirety not permitted under paragraph 2(A) above shall be approved if the Committee finds that the project maintains and enhances the Downtown Northampton Central Business District: Character Defining Features in the *Design Guidelines Manual*, even if it does not meet the Design Guidelines; and
  - C. In the event elements of the project or the project in its entirety does not meet the above standards, the Committee can waive some or all of the standards if such waiving will clearly preserve and enhance the pedestrian-scale character, culture, economy and welfare of downtown Northampton by preserving historic and architecturally valuable buildings and features, and by encouraging compatible building design.
3. If the Committee finds that owing to conditions especially affecting the building or structures involved, but not affecting the district generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this ordinance, it shall issue an **Central Business Architecture Permit**.
4. If the Committee finds that none of the above apply, it shall deny the **Central Business Architecture Permit**.
5. A landowner in the district or their representative may request informal assistance from the Commission in planning alterations or new construction. The Commission shall offer informal advice and comments on any proposal. This advice, however, cannot be binding on the Committee when they formally review an application for a Certificate.

## **SECTION 27-7. APPEALS**

Any issuance or denial of a permit by the Committee may be appealed to the Northampton Planning Board, by an applicant or other aggrieved party, provided such appeal has been filed within 21 days of the filing of said decision with the City Clerk.

The Planning Board shall limit its consideration of such an appeal to considering errors of the Committee and shall need a two-thirds vote of its members to overturn the action of the Committee. For the purposes of this section, Planning Board associates may serve as full Planning Board members in the absence or inability of the Planning Board member to vote.

#### **SECTION 27-8. VIOLATIONS AND ENFORCEMENT**

This ordinance may be enforced by criminal and non-criminal penalties and injunctive relief, in accordance with Chapter 25 of the Northampton Code of Ordinances. Each day a condition is in violation of the provisions of this ordinance shall constitute a separate violation.

#### **SECTION 27-9. SEVERABILITY**

In the event that any provision of this ordinance shall be declared invalid or unconstitutional all other provisions shall continue in full force and effect.

#### **SECTION 27-10. EFFECTIVE DATES**

This ordinance shall take effect upon appointment of a Central Business Architecture Committee. It shall remain in effect for five years from the date of passage and then expire unless City Council extends this time period or otherwise changes this section.

## **Appendix B: Other Related Proposed Ordinance Amendments**

### **Zoning Ordinance Amendment (Code of Ordinances, Appendix A, Section 10.3)**

Section 10.3 Joint Public Hearings with Central Business Architecture Committee.

Existing language in §10.3 should be moved to the last sentence of §10.2.}

The Planning Board and Zoning Board of Appeals, as appropriate, shall hold a joint public hearing with the Historic District Commission:

1. For a project that requires a Special Permit, Site Plan Review or other zoning relief from the appropriate board and a Permit from the Central Business Architecture Committee; and
2. If an applicant requests the joint public hearing in writing as part of the applications to both boards; and
3. If the applicant grants waivers from statutory time limits, if necessary, to allow a joint public hearing.

### **Design Review Ordinance Repeal (Code of Ordinances, Section 2-521 to 2-523)**

{Repeal entire section.}

### **Enforcement Amendment (Code of Ordinances, Section 25-5)**

{insert immediately before Appendix A entry}

#### **Sections 27-1 to 27-9**

Enforcing Officer: Building Commissioner or Director of Planning and Development

Fine: \$100

## Appendix C: Inventory of Buildings in Study Area

(This material is from the nomination of downtown Northampton onto the National Register of Historic Places. See *Design Guidelines Manual, Northampton Central Business District* for description of downtown historic character and character defining features.)

Beginning at the northeast end of the district, one enters the city center from under the railroad bridge and encounters the Masonic Building of 1898 by local architect R. F. Putnam. The Academic Revival building is made of pale beige Roman brick and is decorated with lavish terra-cotta trim based on ornament from the Rome of Augustus and of 16th century Italy. There are exposed iron beams and consoles above the main doorway, and many shop fronts retain their bronze mullions and green marble panels. The building contains the former law office of Calvin Coolidge.

In the same block stands the Smith Charities Building, designed by William F. Pratt. Built in 1865-66, the building is an outstanding example of the Renaissance Revival style. It is constructed of ashlar masonry, and the corners are carefully quoined and the cutting of detail is meticulous. The double-light Venetian windows on the second story are characteristic features of the Renaissance. Smith Charities is a charitable organization created by Oliver Smith's 1845 will. Although Smith's unhappy relatives contested the will, Daniel Webster successfully defended it.

The Smith Charities building forms an interesting contrast with its neighbor, the former Pioneer National Bank, at the corner of Main and King Streets. The bank, 1928, by J. Williams Beal and Sons, is in the Art moderne or Art Deco style derived from the 1925 Paris Exposition of "Arts Decoratifs". Typical of the Art Deco approach to design is the geometric character of the ornament and the fact that, rather than projecting from the surface, the carving is incised into the stone forming a rather cubic outer mass. In such a predominantly Victorian city, finding such an outstanding example of Art Deco work is unusual.

Facing the bank on the north side of Main Street is the powerful rugged mass of the Hampshire County Courthouse, designed in 1884 by Henry F. Kilburn of New York and completed in 1886. The building is a fine example of the Richardsonian Romanesque style, and is made of quarry-faced granite with contrasting smooth brownstone trim. Stumpy polished marble columns at the entrance carry capitals with severe Celtic designs. The superior courtroom within is an imposing space on the second story and contains frescoes by F.D. Cordis of Holyoke, Massachusetts. The present Courthouse is on the site where in 1786 Shays' Rebellion saw its first action when armed countrymen prevented the court from convening and passing pay-or-jail judgements. A meetinghouse built by Isaac Damon from Asher Benjamin designs was built in 1822. It burned in 1866, but the Paul Revere bell was saved and is displayed in the present courthouse.

Behind the Courthouse is the historic 17th century Wiggins Tavern attached to the comfortable 20th century hostelry, the Hotel Northampton.

Near the center of the length of Main Street is the First Churches, which stands on the site of the third meeting house of 1737-1812. The present Victorian structure of 1877 was designed by Boston architects Peabody and Stearns, who also designed several buildings during the same period for Smith College. The church is an outstanding example of the creativity and originality connected with the Gothic Revival. In contrast to much late 19th century architecture, the building is basically monochrome, but is polytextural with its smoothly cut brownstone trim against the rock-faced brownstone walls. The interior displays a richness which is enhanced by some intensely glowing Tiffany windows. Slender iron columns support exposed timber beams and the whole is generously ornamented with abstractions of natural forms stenciled in deep Victorian colors. The stone steeple of the church can be seen from all directions and serves as a focal point of the district.

West of the church, Main Street bends southward and presents an almost unified front of three and four story commercial structures built in the 1860's and 1870's. In contrast to the other structures in this block is the former Northampton National Bank of 1865. The building has a fine cast iron front which remains virtually intact. It was designed by William F. Pratt and is similar in style to the architect's Smith Charities Building. This bank was the scene of the famous Great Bank Robbery in 1876. The safe was robbed of \$1,500,000, the largest amount of money stolen in the United States until that time.

Commercial blocks line either side of Main Street and lead the eye toward City Hall which stands at a point where Main Street changes direction. City Hall was built in 1848-49 and illustrates the versatility of its architect William F. Pratt who was responsible for at least eight other buildings in the district. City Hall represents the picturesque phase of 19th century architecture when decorative vocabularies were chosen for their historical associations. The building is in the "castellated style" and its turrets, pendants, and Tudor windows suggest the romantic times of Arthurian knights. The brick fabric is covered over with a light color mastic cement to suggest sandstone, and the wooden pendants and columns are painted in dark brown to suggest brownstone trim. The great hall on the second floor could seat 1000 persons and was used for balls, lectures, concerts, rallies and theater. The space was converted to city office space in the early 1920's.

Adjacent to City Hall, but set farther back from the street to allow a plaza, are the Unitarian Church and Memorial Hall. An earlier Greek Revival church burned in 1903 and was replaced by the present classical brick and granite church.

Memorial Hall was designed by James McLaughlin of Cincinnati. It was begun in 1869 as a library and museum in memory of soldiers who had served Northampton since 1654. The mansard, red brick building with white stone trim is the only Second Empire style structure in the district.

Between Memorial Hall and the Academy of Music is Pulaski Park, which was used during the 18th century for auctions, horse trading and public announcements. In 1908 it became a public park and was named after Count Casimir Pulaski, who served under Washington during the winter at Valley Forge.

The Academy of Music, designed by William Brockelsby, was presented to the city in 1891 by Edward H.R. Lyman and was the first municipal theater in America. Outstanding lectures, concerts, operas and dramas were regularly presented and its theater company achieved national fame. The style of the building is based on the vocabulary of late 15th and early 16th century Italian architecture. Its two-story facade is crowned by a central pediment resting on lavishly decorated pilasters. The mass of the building is articulated to reveal the different spaces within, and its exterior is detailed in a hierarchical fashion. The entrance and the first two bays of the side of the building are of golden Roman brick with generous terra-cotta trim. The next portion, which houses the theater itself, has less ornamentation and introduces a less expensive, dark red brick. Finally, the stage house is shown not only through the silhouette, but also through its straightforward character. It is totally of the red brick and the only embellishments are the handsome iron fire escapes.

The New Haven-Northampton Canal, completed in 1835, crossed the district by an aqueduct over the Mill River. It passed between the present Baptist Church and Hawley Junior High School and under Main Street by way of an arched stone bridge. The canal continued down the present State Street, since leveled by fill, and opposite the "Honeypot" in the Connecticut River. An amazing feat of engineering, the canal had sixty locks along its eighty-mile length. For a brief time, until the canal failed in 1847, Northampton was considered a seaport.

#### List of Properties in the Proposed Central Business Architecture Ordinance Boundaries

MAP	ID	ADDRESS	N4	DATE	ARCHITECTURAL STYLE	CLASSIFICATION
32C-39	16	Armory	St	1927		Theme Commercial
32C-23	19	Armory	St	1884-95	Commercial Vernacular	Theme Commercial
32C-24		Armory	St	1989	Post-Modern	Landmark
32C-26	11	Brewster	Ct	1895-1915		Transitional Residential
32C-28/29	1	Brewster	Ct	1895-1915		Theme Commercial
32C-30	15-17	Brewster	Ct	1895-1915	Victorian	Transitional Residential
32C-27	2	Brewster	Ct	>1915	Commercial Vernacular	Anomaly
32C-31	21-23	Brewster	Ct	1884-95	Victorian	Transitional Residential
32C-343	27	Brewster	Ct	1884-95		Transitional Residential
32A-271	1	Bridge	St	>1915		Anomaly
32A-99	2	Bridge	St	1895-1915	Commercial Vernacular	Theme Commercial
32A-156	5	Bridge	St	1895-1915	Commercial Vernacular	Anomaly
32A-98	6-10	Bridge	St	1895-1915	Commercial Vernacular	Theme Commercial
31D-148	10-22	Center	St	1912	Classical Revival <sup>9</sup>	Theme Commercial/Transitional Residential
31B-260	14-20	Center	Ct	1853?	Colonial	Theme Comm./Trans. Res
31B-262	19	Center	Ct	1884-95	Victorian Cottage?	Transitional Residential
31B-284	21	Center	St	c.1870	Commercial Vernacular	Theme Commercial
31B-264	2-4	Center	Ct	c.1840	Greek Revival?	Transitional Residential
31D-149	24-28	Center	St	1911	Beaux Arts	Theme Commercial/Anomaly
31B-282	25	Center	St	c.1950	Modern	Anomaly
31B-287	40	Center	St	c.1840	Greek Revival	Transitional Residential
31B-270	43	Center	St	<1873	Classical Revival	Landmark
31D-126	44	Center	St	1908	Greek Revival	Landmark

31B-269	47	Center	St	c.1910	Colonial	Landmark
31B-281	50-52	Center	St	<1873	Victorian Vernacular	Transitional Residential
31B-268	53	Center	St	c. 1868	Italianate	Landmark
31B-267	57-59	Center	St	<1873	Victorian Cottage	Transitional Residential Anomaly
31B-266	63	Center	St	c.1840	Greek Revival-Baranoidized	Transitional Residential
31B-263	6-8	Center	Ct	c.1850		Transitional Residential
31B-273	9	Center	Ct	1883-95	Queen Anne	Transitional Residential
31D-156	12-24	Crafts	Ave.	c.1920	Comm. Vernacular ArtDeco	Theme Commercial
31D-154	26-30	Crafts	Ave.	c.1920	Comm. Vernacular ArtDeco	Anomaly
31D-157	2-8	Crafts	Ave.	1892	Commercial Vernacular	Theme Commercial
31D-98		Elm	St	1904	Victorian Romanesque	Landmark
31B-261	38	Gothic	St	1904	Southern Colonial	Landmark
	42	Gothic	St	c.1850	Greek Revival	Landmark Transitional Residential
31B-309	43-47	Gothic	St.	?		Theme Commercial
31B-237	49	Gothic	St.	c.1860	Italianate	Transitional Residential
31B-235	53	Gothic	St.	<1873		Transitional Residential
31B-231	57	Gothic	St.			Transitional Residential
31B-276	15	Gothic	St	1930-31	Neo-Georgian	Anomaly
32C-38	15	Hampton	Ave	>1915	Modern	Anomaly
32C-57	20	Hampton	Ave.	1988-89	Post-Modern	Anomaly
32C-63	30-42	Hampton	Ave	c.1890		Transitional Residential
32A-135	1	King	St	1928	Art Deco	Landmark
32A-133	15	King	St	c.1900	Commercial Vernacular Art Deco	Landmark
32A-132	19-25	King	St	c.1900	Comm. Vernacular/Palladian	Landmark
32A-127	33	King	St	c.1974		Anomaly
32A-255	36	King	St	1927	Colonial Revival	Landmark
32A-124	57	King	St.	c.1947	Commercial Vernacular	Anomaly
31B-239	60	King	St.	>1915	Contemporary	Anomaly
32A-123	62-65	King	St.	c.1953	Commercial Vernacular	Anomaly
32A-122	67	King	St.	c.1940	Commercial Vernacular	Anomaly
32A-121	71	King	St	1866	Economical Italianate	Transitional Residential
31B-307	72	King	St	c.1945	Modern Commercial	Anomaly
31B-234	74	King	St	c.1850	Queen Anne	Transitional Residential
31B-216	79	King	St	c.1985	Neo-Federal	Anomaly
31B-215	88	King	St	c.1955	Comm. Vernacular/Modern	Anomaly
31B-191	90	King	St	>1915		Anomaly
32C-14	100	Main	St.	1860	Comm. Vernacular/Gothic	Transitional Residential
32C-13	108	Main	St.	c.1828	Commercial Vernacular	Theme Commercial
32A-140	109	Main	St	1916	Second Renaissance Revival	Landmark
32C-12	110-112	Main	St	c.1828	Commercial Vernacular	Theme Commercial
32C-11	114	Main	St	1860	Commercial Vernacular	Theme Commercial
32C-10	116-118	Main	St	1870	Comm. Vernacular/Italianate	Theme Commercial
32C-9	122	Main	St	c.1880	Neo-classical	Theme Commercial
32C-8	126	Main	St	<1873		Theme Commercial
31B-286	129	Main	St	1876	High Victorian Gothic	Landmark
32C-7	132-134	Main	St	1913	Greek Revival	Landmark
31D-147	135	Main	St	1866	Renaissance Revival	Landmark
32C-4	140	Main	St	1844	Commercial Vernacular	Theme Commercial
31D-146	141	Main	St	c.1860?	Early Victorian Commercial	Theme Commercial
32C-3	142	Main	St	1842-1872	Commercial Vernacular	Theme Commercial
31D-145	147-149	Main	St	c.1860?	Victorian Commercial	Theme Commercial
32C-1	150	Main	St	1876	Comm. Vernacular Victorian	Theme Commercial
31D-144	153-159	Main	St	1870	Victorian Commercial	Theme Commercial
31D-150	160	Main	St	1871	Victorian Commercial	Theme Commercial
32A-146 147	16-22	Main	St	1871	Victorian Commercial	Theme Commercial
31D-142	175	Main	St	1956		Anomaly
31D-141	179	Main	St	1871	Victorian Commercial	Theme Commercial
31D-162	180-182	Main	St	c.1850	Commercial Vernacular	Theme Commercial
31D-139	183-187	Main	St	1868	Victorian Commercial	Theme Commercial
31D-161	184-186	Main	St	c.1900	Neo-classical Revival	Theme Commercial
31D-140	189-191	Main	St	1871	Victorian Commercial	Theme Commercial
31D-160	190	Main	St	c.1820	Comm. Vernacular Federal	Theme Commercial
31D-159	196-200	Main	St	1885	Comm. Vernacular Italianate	Theme Commercial
31D-137 138	199-210	Main	St	1868	Victorian Commercial	Theme Commercial
31D-158	202-204	Main	St	c.1880	Comm. Vernacular Romanesque	Theme Commercial
31D-136	207-211	Main	St	1867	Victorian Commercial	Theme Commercial



31D-163	210	Man	St	1850	Gothic Revival	Landmark
31D-167	212	Man	St	c.1920	Classical Revival	Anomaly
32A-138	21-31	Man	St	1898	Classical Revival	Theme Commercial
31D-134 135	213-227	Man	St	1869	Victorian Commercial	Theme Commercial
31D-164	230	Man	St	1901	Greek Revival	Landmark
31D132/133	229-239	Man	St	1890	Victorian Commercial	Theme Commercial
31D-165	240	Man	St	1872	General Grant Mansard	Landmark
31D-131	241	Man	St	1895-1915?	Commercial Vernacular	Theme Commercial
31D-251	244	Man	St	1850		Landmark
31D-130	245-249	Man	St	1871	Victorian Commercial	Theme Commercial
31D-117	259	Man	St	c.1886	Victorian Commercial	Theme Commercial
32A-145	26	Man	St	1868	Victorian Commercial	Theme Commercial
31D-166	260	Man	St	1891		Landmark
31D-116	263	Man	St	c.1886	Victorian Commercial	Theme Commercial
31D-115	271	Man	St	c.1886	Victorian Commercial	Theme Commercial
31D-114	273	Man	St	c.1886	Victorian Commercial	Theme Commercial
31D-1 12 113	297	Man	St	1958	Modern	Anomaly
32A-144	32	Man	St	c.1868	Victorian Commercial	Theme Commercial
32A-137	33-41	Man	St	1896	Roman Revival	Theme Commercial
32A-143	36	Man	St	1867	Victorian Commercial	Theme Commercial
32A-155	4	Man	St	>1915		Theme Commercial
32A-262	44	Man	St	1867	Victorian Commercial	Theme Commercial
32A-142	48	Man	St	1867	Victorian Commercial	Theme Commercial
32A-141	50	Man	St	1915	Classical Revival	Theme Commercial
32A-136	51	Man	St	1866	Renaissance Revival	Landmark
32C-18	68-74	Man	St	1848	Victorian Commercial	Theme Commercial
32C-17	76-88	Man	St	1895	Comm. Vern./Ren.Revival	Theme Commercial
32C-16	84-90	Man	St	1955	Comm. Vernacular Modern	Anomaly
32C-15	96-98	Man	St	1868	Comm. Vernacular/Italianate	Theme Commercial
32A-134	99	Man	St	1886	Richardsonian Romanesque	Anomaly
32A-93	111-15	Market	St	c.1890		Theme Commercial/Anomaly
32A-96	7	Market	St	c.1700	Colonial Vernacular	Anomaly
32A-94	9	Market	St			Theme Commercial
31D-242	14	Masonic	St	<1873		Theme Commercial
31D-118	20-22	Masonic	St	c.1860	Commercial Vernacular	Theme Commercial
31D-120	32	Masonic	St	c.1880	Victorian Commercial	Theme Commercial
31D-122	60	Masonic	St	1872	Victorian (Fire Station)	Landmark (Anomaly in rear)
31D-127	61	Masonic	St	1955		Anomaly
31D-249	68	Masonic	St	c.1956	Commercial Vernacular	Anomaly
31D-123	70	Masonic	St	1873-84		Transitional Residential
31D-124	72	Masonic	St	c.1870		Transitional Residential
31D-125	78	Masonic	St	c.1850		Transitional Residential
31D-126	79	Masonic	St	c.1870	Italianate	Transitional Residential
32A-272	22	Merrick Lane		>1915		Transitional Residential
31D-99	17	New South	St	1896	Classical Revival	Landmark
31D-108	34	New South	St	c.1891		Landmark
31D-152	13	Old South	St	1895-1915	Greek Revival	Transitional Residential
31D-151	7	Old South	St	c.1850	Mansard	Landmark
32C-49	10	Pearl	St	c.1928		Landmark
32C-53	7	Pearl	St	1897		Theme Commercial
32C-52	8	Pearl	St	>1915		Anomaly
32C-52	9	Pearl	St	>1915		Theme Commercial
32C-47	110	Pleasant	St	c.1950	Modern Commercial	Anomaly
32C-56	111	Pleasant	St	c.1800	Federal (altered)	Theme Commercial
32C-165	125	Pleasant	St	1897	Richardsonian	Landmark
32C-58	129	Pleasant	St	>1915	Modern	Anomaly
32C-20	17	Pleasant	St	1850	Greek Revival/Romanesque	Theme Commercial
32C-164	185	Pleasant	St	>1915		Theme Commercial
32C-166	196	Pleasant	St	c.1870	Victorian Industrial	Theme Commercial
32C-169	228	Pleasant	St	1995	Post-Modern	Anomaly
32A-148	24-34	Pleasant	St	c.1912	Richardsonian	Theme Commercial
32C-21	25	Pleasant	St	1850	Greek Revival/Romanesque	Theme Commercial
32C-22	29	Pleasant	St	c.1890	Victorian Comm./Queen Anne	Theme Commercial
32C-41	38-42	Pleasant	St	1895-1915		Theme Commercial
32C-40	47	Pleasant	St	1903	Greek Revival	Landmark
32C-42	48-50	Pleasant	St	1895-1915		Theme Commercial

32C-43	58	Pleasant	St.	>1915		Anomaly
32C-19	7	Pleasant	St.	1850	Greek Revival/Romnesque	Theme Commercial
32C-349	71	Pleasant	St.	1895-1915	Comm. Vernacular	Anomaly
32C-44	76	Pleasant	St.	1895-1915		Theme Commercial
32C-37	79-83	Pleasant	St.	1896	Richardsonian	Theme Commercial
32C-45	84-88	Pleasant	St.	c.1900	Comm. Vernacular Italianate	Theme Commercial
32C-46	96	Pleasant	St.	1895-1915	Comm. Vernacular Italianate	Theme Commercial
32C-54	99	Pleasant	St.	c.1930	Neo-Colonial ?	Anomaly
32C-168	222	Pleasant 1	St.	1854		Theme Commercial
31D-169	1	Roundhouse	Plaza	1983-84	Post-Modern	Theme Commercial
31D-111	11-21	State	St.	c.1900		Theme Commercial/Anomaly
31D-109	10 25-27	State	St.	1884-95		Anomaly
31D-108	31	State	St.	1884-1895	Comm. Vernacular/Mediterran.	Theme Commercial
31D-107	35	State	St.	1873-1884		Transitional Residential Anomaly
31D-105	45	State	St.	c.1850	Federal	Anomaly
31B-277	55	State	St.	c.1870	Second Empire	Landmark
31B-259 365	63-65	State	St.	1948-1949		Anomaly
31B-258	69	State	St.	c.1870		Transitional Residential
32A-153	10	Strong	Ave.	c.1938	Commercial Vernacular	Anomaly
32A-151	15-17	Strong	Ave	>1915	Commercial Vernacular	Theme Construction
32A-150	19	Strong	Ave	c.1950		Transitional Residential
32A-270	2	Strong	Ave.	1895-1915		Theme Commercial
32C-51	41	Strong	Ave.	1892	Late Victorian/Richardsonian	Landmark
32A-152	5	Strong	Ave	c.1939	Commercial Vernacular	Theme Commercial
32A-154	8	Strong	Ave	c.1925		Anomaly
31D-155	24	Crafts	Ave			Theme Commercial
31D-248	16-20	Crafts	Ave			Theme Commercial

#### Appendix D: Public Comments and Committee Response

The Study Committee received the following comments on their preliminary report. Their responses are shown in **bold** and have been incorporated into this final report.

##### Overall structure and process

1. There should be a five-year (or three-year) sunset, with the ordinance expiring if City Council does not vote to retain. **Agree with five year sunset.**
2. There should be annual evaluation the effectiveness and costs of the ordinance. Possibly exit surveys. **Agree that annual evaluation should be done, without calling for any specific methodology.**
3. Permits should automatically issue, perhaps after a warning notice by the applicant, if the permit authority fails to meet deadlines. **Agree, after advance notice.**
4. There should be term limits for board members. **Not needed. Mayor and/or nominating agency can decline to nominate a member for an additional term.**
5. Nominating organizations should have at least 60 days (not 30) to submit nominations for committee vacancies. **Agree.**
6. Revisions to guidelines and building classifications should require a public hearing and possibly a super majority vote. **Agree.**
7. The ordinance should become effective when the Committee is appointed. **Agree.**
8. What criminal penalties are possible for violations? **Same as apply to all other city ordinances.**
9. What fees will be charged? **City Council will establish fees. The Office of Planning and Development proposes no fees to June 2000, to evaluate the process, and then a fee system comparable to zoning fees.**
10. Is the ordinance needed? Downtown relies on creative people, not buildings. It is those creative people who have saved buildings to-date, not regulations. **Creative people and a vibrant built environment are both critical. Neither one alone is sufficient to maintain a strong downtown. While most property owners are very sensitive to design issues, enough are not that there is a risk to the fabric of the built environment.**
11. There be a further appeal process after the Planning Board. **Agree. Any permit issued under any municipal ordinance can be appealed to court after exhausting administrative remedies.**

12. Is there a difference in the two types of waivers allowed from design standards? (27-6(2) B and C)? **Yes. One is a waiver for a project which enhances Character Defining Features. The second is for a project which does not but otherwise contributes to downtown.**

Exemptions and guidelines

1. Snap-in window grills should be exempt from review (#15). **Agree**
2. Should vinyl siding be allowed under any circumstances short of needing a detailed committee review? **No, except for the REPLACEMENT of vinyl siding, which is exempt. Vinyl siding on non-sided buildings requires a full review.**
3. Should architectural asphalt shingles, at least for anomaly and transitional residential buildings, be allowed without needing a waiver? **No, except for REPLACEMENT of asphalt roofs, which are exempt. Conversion of other roof materials to asphalt requires a full review.**
4. Under exemptions, both paint and stain should be exempt (#10). **Agree.**
5. Public art should not be exempt from review. **Disagree.**
6. Should all alterations be regulated? Is there a minimum threshold. **There is a minimum threshold in that the vast majority of projects are exempt. The threshold is done by type of project not dollars, because some very small projects can be damaging and some relatively large projects can avoid any damage.**

## Appendix E: References

This report draws on the following, including verbatim use of entire sections of text:

*Design Guidelines Manual, Downtown Northampton Central Business District*, April 1999. This document is incorporated into this report by reference. The report includes design guidelines that can serve as a prescriptive standard for anyone who wants a clear path for obtaining a permit under the proposed ordinance. It also includes the description of downtown's historic character and character defining feature used by the study committee for this process.

*Downtown Historic District Study Committee, Final Study Report*, May 20, 1996, revised October 21, 1996.

*Downtown Northampton: Today, Tomorrow, and the Future, A Plan for the Central Business District and the Surrounding Commercial and Residential Areas: An Element of the Northampton Comprehensive Plan*, adopted by the Northampton Planning Board September 28, 1995, endorsed by City Council October 1995.

*Elm Street Historic District Study Committee: Final Study Report*, adopted by the Elm Street Local Historic District Study Committee May 5, 1994, implemented by City Council June 1994.

Form B, Historic Properties Inventory, 1975-1980, compiled by the Northampton Historic Commission, 1996 updates by the Northampton Office of Planning and Development. {Available at the Office of Planning and Development and at Forbes Library.}

National Register of Historic Places Nomination Form: Northampton Downtown Historic District and Northampton Downtown Historic District Extension, 1976 and 1985. Northampton Historical Commission and Massachusetts Historical Commission.